

A BILL TO BE ENTITLED

AN ACT

relating to inspections and the collection of certain information by the Texas Water Commission concerning certain matters under its jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.014, Water Code (effective until delegation of NPDES permit authority), is amended to read as follows:

Sec. 26.014. POWER TO ENTER PROPERTY. (a) The members of the commission and employees and agents of the commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state.

(b) The authority granted under this section to a member, employee, or agent of the commission includes the right to:

(1) take photographs;

(2) collect surface water samples and subsurface and groundwater samples;

(3) collect soil samples; and

(4) copy records required to be kept at the facility by this code, the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), or commission rule.

(c) Members, employees, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, including protection and controls against noxious plants, and communicable livestock diseases, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. For the purposes of this act, entry to premises of less than 200 acres or whose water usage, for irrigation purposes only, is less than 150 acre feet per year shall be limited to one inspection per year unless probable cause of violation is evident and after written notice of said violation has been given or if said entry is

1 determined by the commission to be of an emergency nature.

2 (d) If any member, employee, or agent is refused the right to
3 enter in or on public or private property or to carry out a
4 function authorized under this section (~~authority~~), the executive
5 director may invoke the remedies under Sections (~~authorized-in~~
6 ~~Section~~) 26.123 and 26.136 of this code.

7 SECTION 2. This Act takes effect September 1, 1991.

8 SECTION 3. The importance of this legislation and the crowded
9 condition of the calendars in both houses create an emergency and
10 an imperative public necessity that the constitutional rule
11 requiring bills to be read on three several days in each house be
12 suspended, and this rule is hereby suspended.

H. B. No. 2720

By Pete P. Gallego

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MAR 8 1991

MAR 27 1991

- 1. Filed with the Chief Clerk.
- 2. Read first time and Referred to Committee on NATURAL RESOURCES
- 3. Reported favorably (as amended) (as substituted) and sent to Printer at _____
- 4. Printed and distributed at _____
- 5. Sent to Committee on Calendars at _____
- 6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).
- 7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).
- 8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

- 9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).
- 10. Caption ordered amended to conform to body of bill.
- 11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).
- 12. Ordered Engrossed at _____
- 13. Engrossed.
- 14. Returned to Chief Clerk at _____
- 15. Sent to Senate.
- Chief Clerk of the House
- 16. Received from the House
- 17. Read, referred to Committee on _____
- 18. Reported favorably
- 19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
- 20. Ordered not printed.
- 21. Regular order of business suspended by (a viva voce vote.) (_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

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Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____